

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TODD C. BANK, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

-against-

ICOT HOLDINGS, LLC, and
ICOT HEARING SYSTEMS, LLC,

Defendants.

1:18-cv-02554-AMD-PK

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Plaintiff, Todd C. Bank (“Bank”), and the accompanying Memorandum of Law, the Declaration of Daniel A. Osborn, and all other pleadings and proceedings herein, Bank will move this Court, before District Judge Ann M. Donnelly, on a date and at a time to be designated by the Court, for an Order: (1) pursuant to Rule 23 of the Federal Rules of Civil Procedure, certifying the following three classes against Defendants, ICOT Hearing Systems, LLC (“ICOT Hearing”), and ICOT Holdings, LLC (“ICOT Holdings”) (together, “ICOT”):

(i) Federal Robocall Class: all persons to whose residential or cellular telephone number one or more telephone calls, from April 30, 2014, through April 9, 2020, were placed by ICOT through Prospects DM, Inc., that ICOT has not affirmatively shown to have been placed with proper consent, except to the extent that the claims of such persons were released in *Hennie v. ICOT Hearing Systems, LLC*, No. 18-cv-02045 (N.D. Ga.);

(ii) Federal Do-Not-Call Class: all persons to whose telephone number, while having been on the National Do Not Call Registry for 31 days or more, at least two telephone calls, during any 12-month period from April 30, 2014, through April 9, 2020, were placed by ICOT through Prospects DM, Inc., that ICOT has not affirmatively shown to have been placed with proper consent, except to the extent that the claims of such persons were released by *Hennie v. ICOT*

Hearing Systems, LLC, No. 18-cv-02045 (N.D. Ga.); and

(iii) New York Class: all persons to whose New York State area-code telephone numbers one or more telephone calls, from April 30, 2015, through April 9, 2020, were placed by ICOT through Prospects DM, Inc., except to the extent that the claims of such persons were released by *Hennie v. ICOT Hearing Systems, LLC*, No. 18-cv-02045 (N.D. Ga.).

Bank will also move for an Order, pursuant to Rule 23 of the Federal Rules of Civil Procedure, appointing Bank as class representative, and appointing Daniel A. Osborn as class counsel.

Bank will also move for an Order granting Bank any additional relief that is just and proper

Dated: January 29, 2021

s/ Todd C. Bank
TODD C. BANK,
ATTORNEY AT LAW, P.C.
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Kew Gardens, New York 11415
(718) 520-7125
By Todd C. Bank

Counsel to Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document is being filed electronically on January 29, 2021, via the Court's electronic-case-filing (ECF) system. Notice of this filing will be sent by the Court's ECF system to all parties, and copies will be mailed to those parties, if any, that are not served in such manner.

Dated: January 29, 2021

s/ *Todd C. Bank*
Todd C. Bank